



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

November 9, 2007

RE: Compliance Demonstration for K.A.R 28-19-70

To Whom It May Concern:

Recently you were sent a notification by the Unified Government of Wyandotte County and Kansas City, KS Department of Air Quality (DAQ) dated November 5, 2007 that informed you that the DAQ would no longer be dispensing the Gasoline Delivery Vessel decals for the verification of compliance with Kansas Administrative Regulation (K.A.R.) 28-19-70, "Leaks from Gasoline Delivery Vessels and Vapor Collection Systems." The Kansas Department of Health and Environment (KDHE) Bureau of Air and Radiation have implemented changes to streamline the compliance demonstration process and to eliminate duplicative requirements. The KDHE continues its commitment to the importance of the requirements of this regulation for protecting air quality in the Kansas City area. This letter is to advise you of the appropriate standards and procedures for demonstrating compliance with the requirements of K.A.R. 28-19-70.

K.A.R. 28-19-70 requires, in general, that gasoline delivery vessels operating within Johnson and Wyandotte Counties in the Kansas portion of the Kansas City Metropolitan Area demonstrate compliance with pressure testing requirements before they may be loaded at bulk gasoline terminals (Terminals) to reduce emissions of vapors from the gasoline delivery vessels. These requirements are equivalent to the requirements of 49 Code of Federal Regulations (C.F.R.) 49.178.346-5, "Pressure and leakage tests," administered by the U.S. Department of Transportation, which requires testing in accordance with 40 C.F.R. 63.425(e)(3), and 40 C.F.R. Part 60, Subpart XX, "Standards of Performance for Bulk Gasoline Terminals." In reviewing these, KDHE has determined that these existing requirements will adequately assure compliance with the Kansas requirements when Terminals meet their requirements to obtain documentation.

The listed standards require that Terminals verify that any GDV meets the testing requirements before loading. In meeting this requirement, the Terminal is to obtain the vapor tightness documentation. The KDHE will rely upon the inspectors' access to this documentation to verify compliance. Previously, the DAQ issued annual stickers to each GDV to document the compliance. Upon review of these procedures, KDHE has determined that this is burdensome and duplicative of the standards noted above.

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Also, because the KDHE inspectors and DAQ inspectors have access to the Terminal records, which will include the vapor tightness documentation, KDHE will consider the documentation provided to the Terminal to be substantially equivalent to the submittal of test results which is required by K.A.R. 28-19-70(c)(2)(C), and to therefore satisfy those requirements. Accordingly, it will not be necessary to send in test results to KDHE or DAQ.

KDHE may, where individualized circumstances indicate that these procedures may not be adequately consistent with the regulation, require additional submittal of documentation to assure compliance. If you have any questions, please do not hesitate to contact me or Ralph Kieffer at 785-296-6428 or myself at 785-296-1561

Sincerely,

Vick L. Cooper, MBA, Section Chief
Air Compliance & Enforcement Section
Bureau of Air & Radiation

cc: Bruce Anderson, Unified Government of Wyandotte County and Kansas City, KS
Department of Air Quality (DAQ)